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RUEHBJ/AMEMBASSY BEIJING PRIORITY 0376
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RUEHSA/AMEMBASSY PRETORIA PRIORITY 0075
RUEHUL/AMEMBASSY SEOUL PRIORITY 0323
RUEHTV/AMEMBASSY TEL AVIV PRIORITY 0883
RUEHKO/AMEMBASSY TOKYO PRIORITY 0647
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 0179
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0636
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
RHMFISS/USNMR SHAPE BE PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 USNATO 000143

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SUBJECT: ALLIES SUPPORT U.S. REQUEST FOR NATO MILITARY
ADVICE ON IMPACT OF OSLO CLUSTER MUNITIONS BAN

Classified By: Ambassador Victoria Nuland, for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: At an April 22, NATO Permanent Representatives coffee, Ambassador Nuland raised the issue of the Oslo process aiming to ban cluster munitions (CMs) and its potential for criminalizing military interoperability among NATO Allies. She stressed that the U.S. shares the humanitarian concerns about the impact of CMs, that the Oslo process is not the same as the Ottawa Convention to ban landmines, and that the U.S. cannot militarily support Allies who sign up to something that criminalizes interoperability. Allies supported Ambassador Nuland's suggestion of tasking the NATO military authorities to provide advice on the impact of the Oslo process on NATO operations. END SUMMARY

¶2. (C) Raising the issue of CMs under any other business in the Secretary General's weekly coffee discussion, Ambassador Nuland urged Allies not to take any action in the Oslo process that would jeopardize Allies' collective security efforts and current operations, and to consider the impact on ISAF if the current draft declaration to ban cluster munitions under consideration for the Dublin Conference in May were to move forward. She asked participating Allies to delete any text in the draft that would criminalize cluster munitions or interoperability with militaries who use them given the impact on NATO. She noted that a workaround similar to what was done for the Ottawa Convention on landmines will not work since CMs are heavily integrated into our arsenal and the Oslo draft does not allow for exemptions. Lastly, she requested that NATO military authorities (NMAs) be tasked to provide their assessment on the potential impact of a ban on cluster munitions and criminalization on NATO interoperability.

¶3. (C) Of the Allies who spoke, at least ten Allies (Czech Republic, France, United Kingdom, Denmark, Canada, Poland, Turkey, Slovakia, Bulgaria, and the Netherlands) expressed strong support for the interoperability issue and a tasking to the NMAs to provide advice. The Czech Republic noted that they had no reservations about leaving the Dublin Conference if the interoperability issue is not properly

addressed and called for closer coordination of the "Like-Minded States." Likewise, the UK firmly supported getting military advice to feed into the Dublin Conference stressing that they do not support an outright ban and would never sign up to anything that could endanger the lives of British military personnel. Poland (along with Turkey), noting the complete absence at Dublin of major cluster munitions producers and users such as Russia, China, and Israel, stated that the Oslo process was flawed and that they fully support ongoing negotiations in the Convention on Conventional Weapons (CCW).

14. (C) Norway, Germany, Belgium, Luxembourg, and Portugal, while acknowledging that there needed to be a solution to the interoperability problem, questioned the need for NATO to be involved in a process that they view strictly as a humanitarian and legal issue. Germany and Norway said that they remained unconvinced of the need for NATO military advice and that the upcoming Dublin Conference would address the interoperability concerns. The German PermRep emphasized that nations could better use their time focusing on the drafting of the text in Dublin, where Germany was playing a role in helping to craft language. Although not supportive of a tasking to the NMAs, the five Allies did not block it.

15. (C) Ambassador Nuland struck back with incredulity that Germany and other Allies who had pushed for a major initiative to increase NATO's role in arms control issues at the Bucharest Summit were now saying that NATO has no value to add to a major arms control issue which clearly impacted NATO operations. Further, Ambassador Nuland took the PermReps through an operational scenario in which Canadian or Luxembourg personnel in Afghanistan would face the prospect

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of penal sanctions if they were to call in U.S. or other non-signatory states, air support since the U.S. could not guarantee that cluster munitions would not be used. It could be "game over" for ISAF if such a scenario were to develop.

16. (C) NATO's Chairman of the Military Committee (CMC), who was in attendance, remarked that the Oslo process does have considerable implications for the Alliance operations since approximately 20 to 40 percent of combined Alliance fire support holdings delivered from the air are cluster munitions. SecGen concluded the meeting saying that based on the discussion and CMC's remarks, he would prepare a NAC tasking to the NMAs to provide military advice on the impact the Oslo declaration could have on NATO operations.
NULAND